

# DEFENDANT'S EXHIBIT 5

## FORMAL COMPLAINT OF DISCRIMINATION IN THE FEDERAL GOVERNMENT

## PRIVACY ACT STATEMENT (5 USC 552a)

AUTHORITY: 42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. Chapter 14; E.O. 12106.

PRINCIPAL PURPOSE: Formal filing of allegation of discrimination because of race, color, religion, sex, disability, age, national origin or reprisal.

ROUTINE USES: Information in this system may be disclosed to Federal, State or local investigating agencies; the Congress when inquiring on behalf of the individual; to any official engaged in the investigation or settlement of matters at issue; to the EEOC as necessary; and to another federal agency or court in compliance with a subpoena.

DISCLOSURE: Voluntary, however, failure to complete all appropriate portions of this form may lead to dismissal of complaint on the basis of inadequate data on which to determine if complaint is acceptable. EEOC government-wide system notice EEOC/GOVT-1 applies.

1. NAME OF COMPLAINANT (Last, first, middle initial) PLANCK, BARBARA ANN		2. AGENCY DOCKET/COMPLAINT NO. (EEO OFFICE USE ONLY) X1-02-016	
3a. HOME TELEPHONE NUMBER ( 334 ) 795-1408	3b. WORK TELEPHONE NUMBER ( 334 ) 774-0815	4. HOME ADDRESS (Include city, state, and ZIP Code) RT 1 BOX 228 MIDLAND CITY, AL 36350	
5. DO YOU HAVE A REPRESENTATIVE? <input type="checkbox"/> a. YES (Complete Item 6) <input checked="" type="checkbox"/> b. NO		7. NAME OF AGENCY AND ADDRESS WHERE ALLEGATIONS AROSE (Include city, state, and ZIP Code) DCMA-OZARK C/O U.S. HELICOPTER P.O. BOX 1088 OZARK, AL 36361-1088	
6. IF YES, PROVIDE NAME, ADDRESS, AND TELEPHONE NUMBER OF REPRESENTATIVE (Include city, state, and ZIP Code)		THIS REPRESENTATIVE IS <input type="checkbox"/> IS NOT <input type="checkbox"/> AN ATTORNEY.	
8. NAME AND LOCATION OF AGENCY ORGANIZATION WHERE YOU WORK DCMA-OZARK, OZARK, AL	9. DATE OF MOST RECENT ACT OF ALLEGED DISCRIMINATION (MM/DD/YY)	10. ARE YOU A FEDERAL EMPLOYEE OR APPLICANT? <input checked="" type="checkbox"/> a. EMPLOYEE, GRADE, SERIES, TITLE: GS-334, GS-06 <input type="checkbox"/> b. APPLICANT FOR EMPLOYMENT	
11. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST ("X" below)			
<input checked="" type="checkbox"/> a. RACE (State your race) CAUCASIAN	<input type="checkbox"/> e. DISABILITY (Describe nature of your disability) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL		
<input checked="" type="checkbox"/> b. COLOR (State your color) WHITE	<input checked="" type="checkbox"/> f. AGE (State your date of birth) JAN 9, 1954		
<input type="checkbox"/> c. RELIGION (State your religion)	<input type="checkbox"/> g. SEX <input type="checkbox"/> MALE <input checked="" type="checkbox"/> FEMALE		
<input checked="" type="checkbox"/> d. NATIONAL ORIGIN (State your National Origin)	<input checked="" type="checkbox"/> h. REPRISAL (Date and nature of your participation in the processing of an EEO complaint or other EEO related activity) 4/23/01 FIRST COMPLAINT FILED 10/29/01 SECOND COMPLAINT FILED		
12. I HAVE DISCUSSED MY COMPLAINT WITH AN EEO COUNSELOR (See reverse) <input checked="" type="checkbox"/> a. YES (Complete 12c) <input type="checkbox"/> b. NO	12c. IF "YES," NAME AND TELEPHONE NUMBER OF COUNSELOR JO ANN HERTZ	12d. DATE YOU FIRST ASKED TO SEE EEO COUNSELOR Sept 2001 -	13. DATE RECEIVED NOTICE OF RIGHT TO FILE 2/25/02
14. TELL BRIEFLY HOW YOU WERE DISCRIMINATED AGAINST. INCLUDE THE DATE OF EACH ALLEGED DISCRIMINATORY INCIDENT. (That is, tell how you were treated differently from other employees or applicants because of your race, color, religion, sex, national origin, age, mental or physical disability or reprisal.) (If your complaint involves more than one allegation of discrimination, list and number each such allegation separately. Tell what happened, who was involved and when it happened. (Use additional sheets, if necessary.) SEE ATTACHED SHEET			
15. WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT? (If more than one allegation is being made, state overall corrective action desired and the specific corrective action desired for each separate allegation.) SEE ATTACHED SHEET			
16. HAVE ANY OF THE INCIDENTS LISTED IN ITEM 14 BEEN APPEALED TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB) OR FILED UNDER A NEGOTIATED GRIEVANCE PROCEDURE? <input type="checkbox"/> a. YES. Explain. (Include date and MSPB Docket No.) <input checked="" type="checkbox"/> b. NO		17. SIGNATURE OF COMPLAINANT Barbara A Planck	
		18. DATE COMPLAINT SIGNED BY COMPLAINANT (MM/DD/YY) 03/04/02	19. DATE COMPLAINT FILED (EEO OFFICE USE ONLY) 03/15/02

On or about September 5, 2001 I approached my supervisor to discuss why I had not received an award as most of the other employees had received their award money. My first question was did I get an award for all my accomplishments and contribution to the organization I had worked diligently at for the past two years. The answer I received was no, and when I asked why I was told "this was a management decision and he did not have to disclose any reasons as to why management gave the awards to certain individuals. I reiterated my efforts and accomplishment especially in the area of contributing to the efficiency, economy and improvements of the agency operations. I respectfully requested why I did not receive an award? This is what I thought the Award Program was supposing to address. Awards are supposed to be administered on a fair and equitable basis. My supervisor's response to this was not what I expected. He informed me "I should not burn my bridges." Management makes the decision on who will receive awards.

Basis of discrimination: Men in higher paid position received awards. Certain individuals in the Contract Team also received an award even though many problem areas were found during the MCR (a pre- IOA visit). Many problem areas were also noted from the Boston IOA visit. It is obvious the criteria for awards and bonuses are not equitable distributed to women, especially those in lower graded positions. And why not, I am only the secretary!!!

Certain males in this organization view that women are here to serve, women are here to perform menial tasks they feel they are above to do. When questioned about this bias treatment of women, the answer I receive is this is the way they do things in the South.

Three men received awards to settle an EEO Complaint they had filed. The CMO we were under at this award period was the Aircraft Program Management Office. Award money was utilized to *pay-off* certain individuals. This is not the purpose of award money!!!!

My supervisor informed me one reason I did not receive an award was I did not attend the Management Assistant training in Marietta. Male employees at my office did not attend "mandatory training" and still received awards. After I was employed for the APMO for over a year and a half, no training was ever offered to me. I learned what I had to know on my own! Since my employment with the APMO this was the first training I had missed. The last training was offered after I returned to work from major surgery. I was still under doctor's care and placed on limited duties. The doctor's letter was provided to my supervisor.

I also addressed the issue on my position description, I had brought this to his attention before the position description was "outdated" and did not reflect all the duties that I have been performing for the last two and half years. Accurate position descriptions will reflect the significant duties to be performed. I addressed my involvement with the computers and assisting employees with hardware and software problems and most recently the upgrade of our T-1 line to fiber optics. I was informed that this duty is covered under the "other duties as assigned." I pointed out that this phrase is not a basis for assigning duties to an employee on a recurring basis that is unrelated to my principle duties. I also pointed out position descriptions are to be reviewed "annually" with the employee. This type of prohibited discrimination based on my sex in the payment of wages where substantial equal work is performed under similar working conditions violates the Equal Pay Act. This is sexual discrimination in salaries/wages paid to men and women who are employed in the same establishment and perform jobs requiring equal skills, effort and responsibility under similar working conditions.

During my employment here has been no promotion for women. Men who were not even employed by DCMA filled three positions. Hiring practices were devoted to males outside the

organization and given to males who even worked for our immediate contractor! I applied for the intern position here and was found qualified and management hired a male on-site contractor employee to fill the position. Management does not promote the use of developmental and bridge positions for females within this organization. Managers and supervisors should be held responsible and accountable for fairness in all personnel decisions, to include hiring, promoting, transfers, training, and recognition programs. Management does not promote the goals of the Equal Opportunity Program for DCMA making sure that DCMA is a workplace that will benefit from the contributions of all employees. Previous complaints were filed on the unfair practices of promoting and hiring of other male employees. This is a prime example of the Age Discrimination in Employment Act which is to protect people 40 years of age and older by prohibiting age discrimination in hiring, discharge, pay, promotions and other terms and conditions of employment.

Favoritism and partiality is openly practiced at this organization. It is not only my observance but also those of many other that feel the same way.

A male employee was first hired in as an Industrial Specialist (1995), this same male employee was then placed into a Contract Administrator, Administrative Contracting Officer and most recently a Program Integrator position. This one male employee has occupied three separate career field since 1995, he received the position of the Program Integrator in 2000. Within five years three career fields!

#### WHAT SPECIFIC CORRECTIVE ACTION DO YOU WANT TAKEN ON YOUR COMPLAINT?

Proper Position Description and factors grading this position to a GS-7 as it should have been since July 1999. This is when the Commander's position was relocated back to this area. Before the position was located in Florida, and a Management Assistant was there to support him and well as one at the Dothan location. It was told to the EEO Counselor, that I did not support the Commander, and I have documented proof this was not a true statement. Other Management Assistants who work for a Commander are GS-7.

Under the Equal Pay Act it is only fair that I receive back pay since I was discriminated on the basis of my sex in the payment of wages as I performed substantially equal work under similar working conditions.

Fair hiring and promotions and a more equitable female/male ratio in the organization including training!

Follow the guidance and practices as required in the attachments....as stated!

Re-train supervision in EEO practices, and inform supervisors that the old statement, we do not do things like that, here, is not an acceptable answer. Alabama is part of the 50 states, and they are not unique to following government regulations and practices especially EEO regulations.